

**REMARKS**

Claims 21-22 and 47-48 are pending in the present application.

**Claim Amendments**

By this amendment, claims 1-7, 9-20, 23-33, 35-46 and 49-52 are cancelled. No new matter is added by this amendment.

**Double Patenting Rejection**

Claims 1-22 and 27-48 are provisionally rejected on the ground of judicially-created obviousness-type double patenting over claims 1-21 of co-pending commonly-assigned application No. 10/665,088. This rejection respectfully is traversed to the extent deemed to apply to the claims as amended.

In response, applicants believe that the provisional double patenting rejection is without basis.

The sole remaining claims 21-22 and 47-48 are directed to "ink sets" where a specific surfactant is employed as defined by the recited expression (1). By contrast, the claims of the co-pending application focus on the identity of the specific ink component employed. As a result, it is asserted that the respective groups of claims are directed to subject matter which is not obvious in view of the other, such that the obviousness-type double patenting rejection is without basis.

The rejection should accordingly be withdrawn.

**Rejection under 35 USC 102(b)**

Claims 1-4, 5-7, 9-20, 27-29, 31-33, and 35-46 stand rejected under 35 USC 102(b) as being anticipated by Kato U.S. Patent No. 6,440,203. This rejection respectfully is traversed to the extent deemed to apply to the claims as amended.

In response, the rejected claims are cancelled. The rejection is thus moot and should be withdrawn.

**Rejection under 35 USC 103(a) over Yatake**

Claims 1-7, 13, 14, 19, 20, 27-33, 38-40, 45 and 46 stand rejected under 35 USC 103(a) as being unpatentable over Yatake U.S. Patent No. 5,746,818. This rejection respectfully is traversed to the extent deemed to apply to the claims as amended.

In response, the rejected claims are cancelled. The rejection is thus moot and should be withdrawn.

**Rejection under 35 USC 103(a) over Hayashi**

Claims 1-7, 13, 14, 19, 20, 27-33, 38-40, 45 and 46 stand rejected under 35 USC 103(a) as being unpatentable over Hayashi U.S. Patent No. 6,500,248. This rejection respectfully is traversed to the extent deemed to apply to the claims as amended.

In response, the rejected claims are cancelled. The rejection is thus moot and should be withdrawn.

In view of the above, it is believed that the application is now in condition for allowance and an early indication of same earnestly is solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact James W. Hellwege (Reg. No. 28,808) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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